REMARKS

In reply to the Office Action mailed October 27, 2004, Applicants are currently amending claims 1 and 14. Claims 1-18, 24, 25, 30, and 37 are pending and under examination. Claims 2-13, 16-18, 24 and 25 are original. Claims 1, 15, 30 and 37 were previously presented. Claims 28, 29, 31-36 and 38-54 are cancelled. Claims 19-23, 26 and 27 are withdrawn. No new matter has been introduced. Please consider the following remarks.

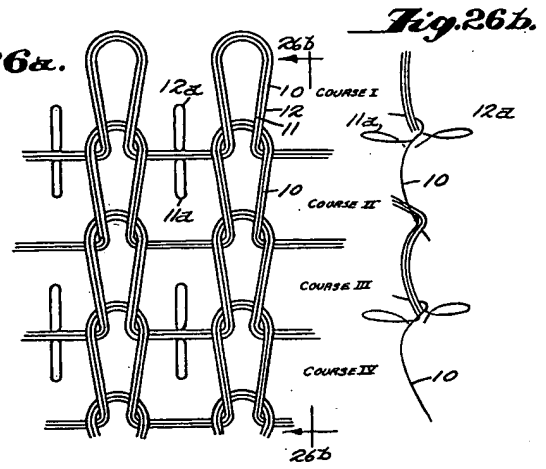
All of the pending claims recite a double-face velour fabric article. The fabric article includes a knitted fabric body formed by knitting together a filament stitch yarn and a filament loop yarn, the filament stitch yarn being exposed at the technical face of the knitted fabric body and the filament loop yarn being exposed at the technical back of the knitted fabric body. The knitted fabric body has a velour surface at both the technical back and the technical face surfaces. The filament stitch yarn and the filament loop yarn define interstices that form air flow paths through the knitted fabric body, but the filament stitch yarn comprises heat sensitive material that responds to application of heat during processing to increase tortuosity of the air flow paths through the interstices of the knitted fabric body, with a result of the knitted fabric body having the advantage of relatively reduced permeability of about 110 $ft^3/ft^2/min$ or less (see column A1 of Table A, at page 11, line 25 of the present application) under a pressure difference of ½ inch of water across the knitted fabric body.

Claims 14 and 15 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant's regard as their invention. As suggested by the Examiner, "velour" connotes raised fibers, but in any event, Applicants have amended claim 14 herein to provide clearer antecedent basis for the term "raised fibers," and therefore request that the rejection be withdrawn.

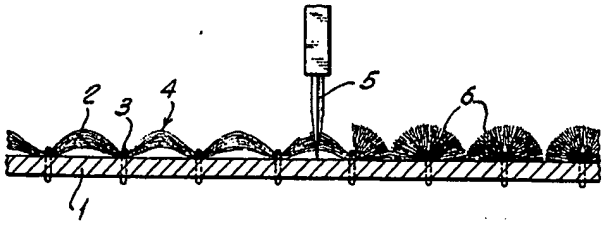
Claims 1-9, 16-18, 25, 30, and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lombardi in view of Ploch. Lombardi describes a knitting apparatus for producing knit fabrics on which terry loops are formed. (See Lombardi, Abstract.) An illustration of a double terry loop fabric described in Lombardi is shown in Figs. 26a and 26b, which are reproduced herein. As can be seen in Figs. 26a and 26b, front loop yarn **11**, ground yarn **10**, and back loop yarn **12** are knitted together to form an integrated fabric. (See e.g., Lombardi, col. 11, lines 41-52.) Moreover, the knitted product described in Figs. 26a and 26b has interstices (i.e., open spaces) between loops and courses of knitted product, which can allow air to flow therebetween, providing an air permeable knitted product.

Fig.26a.

Fig.26b.



In contrast to the knitted product described in Lombardi, Ploch describes a pile product, the type of which is typified by U.S. Pat. No. 3,168,883 (See Ploch, col. 1, lines 12-13.), the relevant Figure of which is reproduced below with the associated description.



Yarns of fiber fleeces **2** are placed on a ground cloth **1** transverse to the longitudinal direction of the ground. The juncture between the ground **1** and the pile-forming yarns **2** is produced by longitudinally arrayed seams **3**. The longitudinal seams **3** are

> arranged closely side by side in the manner of quilting seams and may be sewed to the ground by, for example, multi-needle machines. Since a very tight seam is necessary to obtain a particularly resistant velvet, the use of shrinkable sewing threads such as polyvinylchloride is advisable. (See U.S. Pat. No. 3,168,883, the paragraph bridging cols. 1 and 2.)

As can be seen in the Figure above, the pile product disclosed in Ploch does not have interstices between the loop and stitch yarns so as to create an air permeable product. In fact, Ploch nowhere mentions loops or loop yarns. Moreover, Ploch does not teach, nor suggest, that the ground fabric **1** is air permeable or that it would be desirable to reduce the air permeability of the resulting pile product.

The Examiner asserts that it would have been obvious to one of ordinary skill in the art to use a thermally sensitive yarn, as employed by Ploch, as the ground yarn in Lombardi, since Ploch discloses that the thermally sensitive yarns assist in bonding the pile-forming yarns to the ground fabric, increase the bulk of the overall fabric, and fill needle holes in the ground fabric. (See Office Action Mailed October 27, 2004, page 5.) However, Applicants submit that the Examiner's assertion is a conclusory statement improperly established by "using hindsight reconstruction of the claimed invention, using Applicants' structure as a template, and selecting elements from the references to fill the gaps." *In re Gorman*, 993 F.2d 982 (Fed. Cir. 1991).

As is clearly shown in Fig. 26a of Lombardi and in the Figure from U.S. Pat. No. 3,168,883, the fabrics of Lombardi and Ploch are constructed in very different manners to provide very different fabric products. Importantly, the fabric of Lombardi is constructed using a knitting process, which intertwines together the loop yarns and ground yarn to provide a knitted fabric that has many interstices defined among the yarns. The sewing product in Ploch has no such interstices defined in the ground fabric, but instead has stitching seams formed by a thread which attaches a fibrous material to a ground cloth.

Although Ploch does describe use of a thermally shrinkable material as a stitching thread in the sewing product, the purpose of the thermally shrinkable material is to bond the filaments to the ground cloth. One of skill in the art would have no reason to apply the teaching of Ploch to

the knit fabric of Fig. 26 of Lombardi to bond the loop yarns to the ground yarn, because the loop yarns and the ground yarn have already been intertwined in the knitting process to form the knitted product. Moreover, although the Examiner asserts that Ploch discloses use of a thermally shrinkable material to fill needle holes in the base fabric, Applicants assert that this use by Ploch would not have motivated one skilled in the art to use a thermally shrinkable material in a knitted product as recited in the pending claims. As clearly illustrated in the figures of the contrasting fabric constructions of Ploch and Lombardi, the needle holes described in Ploch are isolated to the sewing seams, and use of a thermally shrinkable material would not substantially alter the permeability of the Ploch file fabric product.

Applicants assert that the only motivation for use of a heat sensitive material in a filament stitch yarn in a knitted fabric product, as recited in the pending claims, comes from Applicants' own disclosure. Nowhere does Ploch describe use of filament stitch yarns to form a knitted fabric body, nor does Ploch suggest use of heat sensitive materials in such yarns. With neither teaching nor suggestion in the references, a *prima facie* case of obviousness cannot be maintained. Applicants accordingly, request that the rejection be withdrawn.

Claims 10-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lombardi in view of Ploch and in further view of Richards. Claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lombardi in view of Ploch and in further view of Callaway. Claims 14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lombardi in view of Ploch and in further view of Wood. We respectfully traverse.

Claims 10-15 and 24 all recite a knitted fabric body formed by knitting together a filament stitch yarn including heat sensitive material and a filament loop yarn, with the knitting together of the filament stitch yarn and the filament loop yarn forming a knitted fabric body with interstices that form air flow paths through the fabric body. None of Richards, Callaway, or Wood provides motivation for use of a heat sensitive filament stitch yarn to form a knitted fabric body, where the heat sensitive material of the stitch yarn responds to application of heat during processing to increase tortuosity of the air flow paths, with a result of relatively reduced air permeability of the knitted fabric body, as featured in the pending claims, nor are these

references relied upon for such a teaching. Without such a teaching, the combinations of references above fail to provide a *prima facie* case of obviousness. Accordingly, Applicants request that the corresponding rejections be withdrawn.

Enclosed is a Petition for Extension of Time with a check in the amount of $1,020 in payment of the required fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: April 26, 2005

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